

Memorandum



Date: September 9, 2004

Agenda Item No. 7(F)(1)(G)

To: Honorable Chairperson Barbara Carey-Shuler, Ed.D.
And Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Modification No. Seven to the Agreement for Professional Architectural and Engineering Services with M.C. Harry and Associates, Inc.

Pursuant to a request from Commissioner Dorrin D. Rolle during the July 20, 2004 Public Safety Committee Meeting, this item has been revised to indicate the CSBE measures established for the construction portion of the Courthouse Center Interior Renovations on floors 24, 28, 29, and 30, as well as the South Dade Government Center Courthouse Expansion.

The attached **Modification No. Seven** to the contract between M.C. Harry and Associates, Inc. and Miami-Dade County to increase the construction value by \$10,115,000 to allow M.C. Harry, as the architect and engineer of record, to provide construction administration services for Courthouse Center interior renovations and the South Dade Government Center Courthouse expansion, has been prepared by the General Services Administration and is recommended for approval.

MODIFICATION NO.: Seven

PROJECT: Dade County Courthouse – Interior/Exterior Renovation and Historic Restoration (this was subsequently expanded by modification number six to include other courts-related projects)

PROJECT NO.: 2501-025

PROJECT LOCATION: 73 West Flagler Street, Miami, FL

PROJECT DESCRIPTION: The scope of work consists of interior and exterior renovations and/or historic restoration of the Dade County Courthouse and other Courts facilities. (The current agreement was modified to include other courts-related projects.)

FIRM: M.C. Harry and Associates, Inc.

LOCATION OF FIRM: 2780 SW 37th Avenue, Miami, Florida

COMPANY PRINCIPAL(S): James Piersol and Thomas Carlson

OWNERSHIP BREAKDOWN: James Piersol 50%
Thomas Carlson 50%

HOW LONG IN BUSINESS: 47 Years

PREVIOUS AGREEMENTS WITH THE COUNTY: Modification to Concourse F-Miami-Dade Aviation Department.
Terminal Wide People Mover System- Miami-Dade Aviation Department.
Miscellaneous A/E Service-Park and Recreation Department.

JUSTIFICATION: M.C. Harry and Associates, Inc. have extensive experience and unique qualifications in the design and construction administration of Courts related projects, especially those related to the Dade County Courthouse. M.C. Harry and Associates, Inc. is the "Architect of record" and has been the exclusive consultant performing such services for the Dade County Courthouse since 1976.

In February 1976, a Professional Services Agreement was approved by the Board of County Commissioners with M.C. Harry & Associates, Inc., which called for them to provide professional A/E services for the complete interior and exterior renovations of the Dade County Courthouse as needs were defined and funds became available. M.C. Harry & Associates, Inc. was to be paid 8% of construction value for services performed. The original Agreement identified an anticipated construction value of \$1,000,000.00.

The Agreement was subsequently modified six times, with BCC approval from 1979 through 1986. The first five were:

1. Modification 1- 1979 - \$37,000 for direct reimbursable expense for a testing program related to the terra cotta façade.
2. Modification 2 – 1980 - \$31,325 for A/E services related to the window replacement and an isolated ventilation study of the Dade County Courthouse.
3. Modification 3 – 1982 - 8% of construction estimate for A/E Services related to the renovation of the 14th floor of the Dade County Courthouse.
4. Modification 4 – 1982 - 8% of construction estimate for A/E services related to the conversion of the HVAC system in the Courthouse to interface with the chilled water system installed as part of the central plant

5. Modification 5 – 1984 - \$41,500 for architectural/engineering services related to the connection of the Courthouse HVAC system to the central chilled water system loop serving the Downtown Government Center.

On January 21, 1986 Modification 6, approved by the Board of County Commissioners replaced in its entirety the original agreement and modifications 1 through 5 with a new updated agreement. The new Agreement increased the estimated value of construction to \$15,000,000.00, decreased the A/E services fee to 6.23% of construction costs and permitted the Agreement to be utilized for other Courts related projects.

M.C. Harry and Associates was retained by Miami-Dade County as the Architect/Engineer of record for restorations and renovations to the Miami-Dade County Courthouses.

Projects in progress include:

- Courthouse Center Interior Renovation of the 24th, 28th, 29th and 30th floors.
- South Dade Government Center Courthouse Expansion.

M.C. Harry has completed 100% of the contract documents for both the Courthouse Center and the South Dade Government Center projects. However, the scope of work for both projects has substantially increased since the inception causing the estimated construction cost of these projects to exceed the original limits for construction in the Agreement. The scope was changed due to the following:

- Requests by the Administrative Office of the Courts and Clerk of the Courts identified during the development of the construction documents.
- Additional Americans with Disabilities Act (ADA) requirements imposed during permitting.

Therefore, this modification is necessary for M.C. Harry & Associates, as Architect and Engineer of Record, to provide construction administration services crucial for these two projects.

Utilizing another firm for the construction administration portion of these projects will cause a substantial delay while another firm is hired through the consultant selection process. This process would take approximately one year to select a new firm, plus additional time for that firm to become familiar with the projects, review the existing documents, recommend revisions, revise the documents if necessary because of accepting liability for the projects, and to obtain the required regulatory agency approval. The Courts are in critical need of the additional courtrooms, judge's chambers and offices. Delaying these projects for in excess of a year will significantly impact the Court operations.

Based on the above explanations and in our judgment that it is in the best interest of the County, we are recommending approval of this modification 7, to M.C. Harry and Associates' current Professional Services Agreement.

**ORIGINAL AGREEMENT
AMOUNT:**

\$15,000,000.00 in construction value.

The Agreement provides Architectural and Engineering Services for construction projects not exceeding \$15,000,000 in construction cost.

The design fees are currently capped at 6.23% of the estimated construction cost value.

**TOTAL AMOUNT OF
RECOMMENDED
MODIFICATIONS:**

\$10,115,000.00 in construction value. The estimated architectural/engineering consultant cost is \$630,165 for M.C. Harry and Associates, of which \$144,000 is for contract administration.

**ADJUSTED AGREEMENT
AMOUNT:**

\$25,115,000.00

**PERCENTAGE CHANGE
THIS MODIFICATION:**

67.43%

USING AGENCY:

Administrative Office of the Courts

MANAGING AGENCY:

General Services Administration

FUNDING SOURCE:

Judicial Administration

Honorable Chairperson Barbara Carey-Shuler, Ed.D.
And Members, Board of County Commissioners
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DEPARTMENT OF BUSINESS

DEVELOPMENT REVIEW: Courthouse Center Renovation – 24, 28, 29, 30 floors
Construction Portion – 31.73% CSBE; 20% CWP (16 people)

South Dade Government Center Courthouse Expansion
Construction Portion – 31.01% CSBE; 10% CWP (6 people)


Assistant County Manager



Dept. of Business Development
Project Worksheet

Project/Contract Title: SOUTH DADE GOVERNMENT CENTER COURTHOUSE
EXPANSION (SIC 15)
Project/Contract No: W20046
Department: GENERAL SERVICES
Estimated Cost of Project/Bid: \$1,460,000.00
Description of Project/Bid: TO ESTABLISH A CONTRACT FOR INTERIOR RENOVATION TO ADD COURTROOMS/CHAMBERS & POST JUDGEMENT AREAS.

RC Date: 03/10/2004
Item No: 3-03
Funding Source: CORF
Resubmittal Date(s): 04/23/2003

Contract Measures Recommendation

Measure	Program	Goal Percent
Goal	CSBE	31.01%

Reasons for Recommendation

An analysis of the factors contained in Section IV C of Administrative Order 3-22 indicate that a CSBE goal is appropriate in the trades of electrical and doors and windows (carpentry contractors).

An analysis of the factors contained in Section II A of Administrative Order 3-37 indicate a 10% Community Workforce Program (CWP) goal on this project is appropriate. Total estimated workforce required for this project is 83 persons. However, only 55 are affected by the CWP. Estimated workforce required under the CWP is 6 persons.

Analysis for Recommendation of a Goal

Subtrade	Cat.	Estimated Value	% of Items to Base Bid	Availability
Drywall, Plastering, Acoustical, and Insulation Contractors	CSBE	\$83,512.00	5.72%	32
Carpentry Contractors	CSBE	\$32,266.00	2.21%	14
Plumbing, Heating, and Air-Conditioning Contractors	CSBE	\$134,174.00	9.19%	40
Painting and Wall Covering Contractors	CSBE	\$26,572.00	1.82%	57
Electrical Contractors	CSBE	\$173,448.00	11.88%	31
Masonry and Stone Contractors	CSBE	\$2,774.00	0.19%	11
Total		\$452,746.00	31.01%	185

Living Wages: YES ☐ NO ☒

Responsible Wages: YES ☒ NO ☐

Ordinance 90-143 is applicable to all construction projects over \$100,000 that do not utilize Federal Funds

REVIEW COMMITTEE RECOMMENDATION

Set Aside _____ Level 1 _____ Level 2 _____ Level 3 _____

Trade Set Aside (MCC) _____ Goal _____ Bid Preference _____

No Measure _____ Deferred _____ Selection Factor _____

Chairperson, Review Committee

Date

County Manager

Date



Dept. of Business Development
Project Worksheet

Project/Contract Title: COURTHOUSE CENTER RENOVATION - 24TH, 28TH, 29TH, AND 30TH FLOORS (SIC 15) RC Date: 03/10/2004
Project/Contract No: W20059 Item No: 3-04
Department: GENERAL SERVICES Funding Source: CORF Resubmittal Date(s):
Estimated Cost of Project/Bid: \$4,070,339.00
Description of Project/Bid: TO ESTABLISH A CONTRACT FOR THE INTERIOR RENOVATION OF THE 24TH, 28TH, 29TH, AND 30TH FLOORS OF THE COURTHOUSE CENTER FOR OFFICE SPACE, JUDGES CHAMBERS AND COURTROOMS.

Contract Measures Recommendation		
Measure	Program	Goal Percent
Goal	CSBE	31.73%

Reasons for Recommendation

An analysis of the factors contained in Section VI C of Administrative Order 3-22 indicate that a goal is appropriate for this project.



An analysis of the factors contained in Section II A of Administrative Order 3-37, as amended, indicate a 20% Community Workforce Program (CWP) goal on this project is appropriate. Total estimated workforce required for this project is 110 persons. However, only 78 are affected by the CWP. Estimated workforce required under the CWP is 16 persons.

Support for Recommendation of a Goal				
Subtrade	Cat.	Estimated Value	% of Items to Base Bid	Availability
Wrecking and Demolition Contractors	CSBE	\$188,049.66	4.62%	14
Plumbing, Heating, and Air-Conditioning Contractors	CSBE	\$416,395.68	10.23%	42
Painting and Wall Covering Contractors	CSBE	\$35,818.98	0.88%	60
Electrical Contractors	CSBE	\$651,254.24	16.00%	58
Total		\$1,291,518.56	31.73%	174

Living Wages: YES ☐ NO ☒

Responsible Wages: YES ☒ NO ☐

Ordinance 90-143 is applicable to all construction projects over \$100,000 that do not utilize Federal Funds

REVIEW COMMITTEE RECOMMENDATION			
Set Aside	Level 1	Level 2	Level 3
Trade Set Aside (MCC)	Goal	Bid Preference	
No Measure	Deferred	Selection Factor	
 Chairperson, Review Committee	3/10/04 Date	 County Manager	3/23/04 Date




MEMORANDUM

(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: September 9, 2004

FROM: 
Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 7(F)(1)(G)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved _____ Mayor

Veto _____

Override _____

Agenda Item No. 7 (F) (1) (G)

9-9-04

RESOLUTION NO. _____

RESOLUTION AUTHORIZING EXECUTION OF
MODIFICATION NO. SEVEN TO THE CONTRACT TO THE
PROFESSIONAL ARCHITECTURAL AND ENGINEERING
SERVICES, INC., WITH M.C. HARRY AND ASSOCIATES, INC.,
FOR THE DADE COUNTY COURTHOUSE –
INTERIOR/EXTERIOR RENOVATION AND HISTORIC
RESTORATION PROJECT; AND AUTHORIZING THE COUNTY
MANAGER TO EXERCISE ANY AND ALL OTHER RIGHTS
CONFERRED THEREIN

WHEREAS, this Board desires to accomplish the purposes outlined in the
accompanying memorandum, a copy of which is incorporated herein by reference,

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY
COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board hereby approves
Modification No. Seven to the Professional Architectural and Engineering Services with M.C.
Harry and Associates, Inc., for the Dade County Courthouse – Interior/Exterior Renovation and
Historic Restoration Project, in substantially the form attached hereto and made a part hereof;
authorizes the County Manager to execute same for and on behalf of Miami-Dade County, and
authorizes the County Manager to exercise any and all other rights conferred therein.

The foregoing resolution was offered by Commissioner _____,
who moved its adoption. The motion was seconded by Commissioner _____
and upon being put to a vote, the vote was as follows:

Dr. Barbara Carey-Shuler, Chairperson

Katy Sorenson, Vice-Chairperson

Bruno A. Barreiro

Betty T. Ferguson

Joe A. Martinez

Dennis C. Moss

Natacha Seijas

Sen. Javier D. Souto

Jose "Pepe" Diaz

Sally A. Heyman

Jimmy L. Morales


Dorin D. Rolle

Rebeca Sosa

The Chairperson thereupon declared the resolution duly passed and adopted this 9th day of September, 2004. This Resolution and contract, if not vetoed, shall become effective in accordance with Resolution No. R-377-04.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

HARVEY RUVIN, CLERK

Approved by County Attorney as
to form and legal sufficiency. 

Hugo Benitez

By: _____
Deputy Clerk

MODIFICATION NO. SEVEN (7)
TO
AGREEMENT BETWEEN MIAMI-DADE COUNTY, FLORIDA AND
CONSULTANT
FOR
PROFESSIONAL SERVICES

THIS MODIFICATION NO. SEVEN (7) made this _____ day of _____ in
The year _____.

BY AND BETWEEN MIAMI-DADE COUNTY, FLORIDA, a political subdivision
of the State of Florida, acting by and through its Board of County Commissioners,
hereinafter called the "County", and consultant:

M.C. Harry and Associates, Inc.
2780 Southwest Douglas Road
Miami, Florida 33133

for

Dade County Courthouse
Interior Renovations, All Floors
G.S.A. Project No. 2501-025

WITNESSETH, THAT THE County and the Consultant, for the consideration set forth
herein, agree that:

The Agreement, dated July 20, 1978, and modified on April 4, 1979; January 15,
1980; March 2, 1982; May 10, 1982; October 16, 1984; January 21, 1986, executed
pursuant to County Resolution No. R-106-86, is hereby modified as follows:

2.01 BASIC SERVICES:

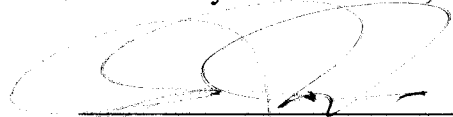
The Total Estimated Construction Cost for the project shall be increased from
Fifteen Million (\$15,000,000.00) Dollars to Twenty-Five Million, One Hundred and
Fifteen Thousand (\$25,115,000.00) Dollars.

Including the foregoing conditions, all stipulations and terms of this Modification
shall become effective in full force upon execution of this Modification.

IN WITNESS WHEREOF, THE PARTIES HERETO HAVE EXECUTED THIS
Modification No, Seven (7) on the _____ day of _____.

CONSULTANT

M.C. Harry and Associates, Inc.

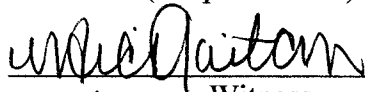


James W. Piersol
Principal

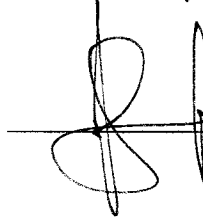
MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

George M. Burgess
County Manager

(Corporate Seal)



Witness



Witness

ATTEST:

Harvey Ruvin
Clerk of the Board

(Seal)